

Duke, Daphne

From: Wessinger-Hill, JoAnne
Sent: Thursday, September 9, 2021 1:37 PM
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Cc: PSC_Contact; Boyd, Jocelyn; Wessinger-Hill, JoAnne
Subject: STATUS CONFERENCE -- Friday, Sept. 10th at 9:00 a.m. (TOMORROW) -- DN 2021-88-E DESC Avoided Cost Proceeding
Importance: High

Dear Counsel and Parties of Record:

As you will recall, a ruling was made on the oral motion of CCEBA during the hearing in this matter on Monday, August 23, 2021.

CCEBA's request for relief in the motion granted is as follows:

- (1) Additional discovery directly related to the change that DESC Witness David made;
- (2) The Right for CCEBA to file Supplemental Surrebuttal Testimony before the October hearing;
- (3) (COMPLETED) Right for Witness Burgess when called as a witness on 8/23 or 8/24 to briefly address in the changes to Witness David's testimony in an Q & A manner to this change; and
- (4) Right to cross examine DESC Witness David in October.

A Status Conference is needed to follow up on timelines (if any) related to Items No. 1, 2, and 4 which remain to be completed, and result in need for an additional pre-filing deadline and additional hearing time. It is noted that discovery by CCEBA related to Item 1 was served on 9/3/2021 per the DMS (which has been incorporated in the proposed revised schedule to include a pre-filing date for the Supplemental Surrebuttal Pre-filed Testimony of Witness Edward Burgess to the Corrected/Revised Rebuttal Testimony of Peter B. David, and additional reserved hearing dates due to the additional cross examination of Witness Peter B. David).

STATUS AUDIO/VOICE CONFERENCE WITH ALL PARTIES:

DATE: FRIDAY, SEPTEMBER 10TH, 2021
TIME: 9:00 A.M.
CALL NUMBER: 1-800-
ACCESS CODE:

STATUS CONFERENCE IS AUDIO RECORDABLE AND PLEASE ADVISE OF CONSENT TO SAME. THE STATUS CONFERENCE WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION POLICIES AND PROCEDURES.

Parties are welcome to discuss the proposed schedule additions or edits among yourselves. Parties may come to resolution of the additional dates and schedule changes prior to the status conference. Remember anything sent to Commission staff must be shared and provided to all parties of record; otherwise, it may

result in a violation of the *ex parte* statute. Commission staff will also post any external email or correspondence (received or sent) related this docket in the DMS.

SCOPE OF THE STATUS CONFERENCE:

Due to the additional pre-filed Testimony and cross examination of a witness, it is anticipated that additional hearing dates need to be reserved for additional hearing time that could not have been originally contemplated in this matter. This docket has a statutory deadline for decision by the Commission and Commissioners will need time for deliberation of the evidence. Please review and consider the proposed pre-file date for the Supplemental Surrebuttal Testimony of Witness Burgess and the reservation of other dates beyond October 13th. The Commission also wanted to make the parties aware that there is a possibility the Commission may not be available on Tuesday, October 12th for the hearing; however, it is not definite at this time and the Commission wanted to advise parties of the possibility so that plans can be made accordingly.

SCHEDULE: (starting on date of change in Witness David's pre-filed Rebuttal Testimony and does not include other dates and dates or changes are highlighted or in color)

DATE	BRIEF ESTIMATED DESCRIPTION OF ITEM/EVENT/DAY
August 20, 2021	Day 3 of Hearing; Change to DESC Witness David's pre-filed Rebuttal Testimony
August 23, 2021	Day 4 of Hearing; CCEBA's Oral Motion Regarding Substantial and Material Change by DESC Witness Peter David; CCEBA Relief granted by Chair
August 24, 2021	Day 5 of Hearing
August 25, 2021	Day 6 of Hearing; Hearing recessed until October 11, 2021 at 10:00 a.m.
September 3, 2021	Per DMS, CCEBA electronically served Supplemental Interrogatories and Request for Production on DESC related to the Change by Witness David [(est. due date: within 20 days of the date of service per COS and document) – 9/23/21].
September 16, 2021	Commission's 3 rd Party Expert/consultant's Report Due (i.e., Expert's Report is its pre-filed Testimony and Exhibits)
September 23, 2021	DESC Responses to CCEBA's Supplemental Discovery Due Date
September 30 or October 1, 2021 Proposed Prefile Date for CCEBA – NOTE NEED TO CHOOSE ONE	Proposed Pre-filing Date – Due Date for Supplemental Surrebuttal Testimony of CCEBA Witness Burgess to the Amended/Revised Testimony of DESC Witness David
October 5, 2021	Discovery Deadline, including the Consultant's Deposition to be completed by the Parties
October 8, 2021 (noon)	Parties' Responsive Testimony and/or Exhibits are to be due and pre-filed
October 11, 2021 (hearing resumes)	Day 7 -- Additional Cross Examination of Witness David per CCEBA Motion (if any); Supplemental Surrebuttal Testimony of CCEBA Witness Burgess to the Amended/Revised Testimony of DESC Witness David; Testimony/Cross-Examination of the Consultant and Parties' Responsive Testimony
October 12, 2021 (reserved hearing date SUBJECT TO	May need to release this day (i.e., it is possible that no hearing may be held on this date due to Commission conflict – but that is not certain at this time – just a possibility)

POSSIBLE CHANGE)	
October 13, 2021 (hearing continues)	Day 8 -- Additional Cross Examination of Witness David per CCEBA Motion (if any); Supplemental Surrebuttal Testimony of CCEBA Witness Burgess to the Amended/Revised Testimony of DESC Witness David; Testimony/Cross-Examination of the Consultant and Parties' Responsive Testimony
October 14, 2021 at 2:00 p.m. (Proposed additional day)	(Proposed additional day of hearing): Day 9 -- Additional Cross Examination of Witness David per CCEBA Motion (if any); Supplemental Surrebuttal Testimony of CCEBA Witness Burgess to the Amended/Revised Testimony of DESC Witness David (if any); Testimony/Cross-Examination of the Consultant and Parties' Responsive Testimony
October 18, 2021 Proposed additional day	(Proposed additional day of hearing): Day 10 -- Testimony/Cross-Examination of the Consultant and Parties' Responsive Testimony (if any)
October 19, 2021 Proposed additional day	(Proposed additional day of hearing): Day 11 -- Testimony/Cross-Examination of the Consultant and Parties' Responsive Testimony (if any)

A copy of this email is sent to all parties of record, as well as submitted through the DMS.

Please **"REPLY ALL"** for any communication that is intended to include me as Commission Staff or any Commission staff. Also, any communication to me, or any commission employee or staff, must be filed in the DMS by Order of the PSC. Unfortunately, I cannot file the correspondence for you, but I do file in the DMS any correspondence that is sent by, or received of, me and do send a copy to all parties of record.

Please review the proposed adjusted Schedule that proposes a filing date for CCEBA and addresses need for reserving additional hearing time since due to additional cross examination and Supplemental Surrebuttal Testimony from Witness Burgess, as well as notice of a possible problem for the Commission related to October 12th.

If you are unable to participate or at least have one representative from each party present, please advise no later than 4:30 p.m. today. The Status Conference is expected to be no more than 15 minutes as the subject matter is limited. You are encouraged to submit your comments in writing (which will be posted in DMS). For example, if all agree with the proposed schedule by 4:30 p.m. today or prior to 9:00 a.m. in the morning, the Status Conference can be cancelled.

With kind regards, I am

Jo Anne Wessinger Hill

Jo Anne Wessinger Hill

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